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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,308	08/05/2003	Alfredo Lavin Sasian	SSC-110-A	7866
7590 Arnold S. Weintraub The Weintraub Group Suite 240 32000 Northwestern Highway Farmington Hills, MI 48334		03/20/2007	EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/20/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/634,308	SASIAN, ALFREDO LAVIN	
	Examiner	Art Unit	
	Jason Prone	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: on page 7 line 5 of paragraph [0030], item "100". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: in n Fig. 4, item "16". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

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or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "lid" of claim 5 and the "dispenser box at an angle relative to the connection with the support member" of claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1 and 3-7 are objected to because of the following informalities: On line 3 of claim 1, the phrase "transverse tear line and engageable slot arrangement" should be replaced with "transverse tear line arrangement including an engageable slot". This way the phrase corresponds with line 25 of claim 1 that discloses the slot is part of the tear line. On line 26 of claim 1, the term "opening" should be replaced with "discharge opening". In light of the applicant's amendment where the term "characterized" has been replaced with the term "comprising", the same change needs to be incorporated into claims 3-7. On line 2 of claim 6, the phrase "in that said" should be replaced with "in that" because the newly added phrase begins with the word "said" and creates a grammar issue.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 3, 4, and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 3, the newly added phrase "the discharge opening of the dispenser box for extracting and detaching bags is found

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generally centered along said axis" is new matter and is confusing. The specification and the Figures do not provide support for the opening being center along the axis. Also, Figure 1 clearly shows the axis of 11 does not interact at all with the discharge opening. The axis of 11 would extend through the compartment 7. The opening clearly does not appear to be positioned in any manner along the axis of 11.

In regards to claim 5, the newly added limitation "has an out dimension and comprised of a material having sufficient mass, which dimensions and mass cooperate to prevent pulling forces...from tipping the support stand" is new matter and incorporate antecedent basis issues. The original specification does not provide any support for the base plate being of a material with the disclose properties.

The newly added limitations of claim 6 are considered new matter. The Figures and the specification do not provide support for a elongate support member forming a truncated end face or that the truncated end face angles the dispenser box relative to the connection with the support member.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. In claim 1, the phrase "a plurality of walls, said walls projecting upwardly from said base member to form therewith an inner compartment...further wherein said walls include a front wall opposed to a rear wall and said front wall includes a second edge

portion, the edge portions being in juxtaposed spaced-apart relation with one another and forming a discharge opening that extends across the bottom edge of the box" is unclear. As written all of the walls (including the front wall) extend from the base in the same manner. However, it is clear that the front wall does not extend from the base since it is not in contact with the base. The second edge portion can be interpreted to represent the top edge. The top edge of the front wall is clearly juxtaposed with the first edge of the base. Structure stating a bottom edge of the front wall is spaced from the base is required.

10. Claim 1 recites the limitation "the bottom edge" on lines 12-13. There is insufficient antecedent basis for this limitation in the claim. It is also unclear if the "bottom edge" structure is the same as the "first edge portion" structure.

11. Claim 1 recites the limitation "the free end" on line 22 (line counting includes counting the lines crossed out). There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 recites the limitations "the free bag" on line 25 and the "the outer bag" on line 26. There is insufficient antecedent basis for this limitation in the claim. It is also unclear if the "free bag" structure is the same as the "outer bag" structure.

13. Claim 2 recites the limitations "discharge openings" on line 5 and the "two hooks" on line 11. There is insufficient antecedent basis for this limitation in the claim. It is also unclear if the "discharge openings" are the same structure as the "discharge opening" disclosed in claim 1. It is unclear if the "two hooks" are the same structure as the "hook" disclosed in claim 1.

14. In claim 3, the phrase "the discharge opening of the dispenser box for extracting and detaching bags is found generally centered along said axis" is unclear. The axis clearly does not extend through the opening; therefore, it is unclear how the opening is positioned along the axis.

15. In claim 6, the phrase "said elongate support member includes opposite upper and lower end portions respectively secured to the central base plate" is unclear. The upper and lower end portions are clearly not both connected to the base plate.

16. Claim 6 recites the limitation "the axis" on line 7. There is insufficient antecedent basis for this limitation in the claim.

17. It is to be noted that claims 1-7 have not been rejected over prior art. It may or may not be readable over the prior art but cannot be determined at this time in view of the issues under 35 USC § 112.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stutzman et al., Becht, Norris, Schafer, Gutierrez, Bürl, Daniels, Wilfong, Jr., Bokina, and Alberts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 14, 2007


Patent Examiner
Jason Prone
Art Unit 3724
T.C. 3700